

**REMARKS**

Claims 1-31 are pending in the application.

Claims 1-31 have been rejected.

Claims 1, 13-24, and 31 have been amended.

Appreciation is expressed for the indicated allowability of claims 4, 6-7, 9, 15, 17-18, 20, and 28-29.

**Formal Matters**

Appreciation is expressed for the telephonic interview conducted on March 11, 2009 between Examiner Fleurantin and Shawn Doman, Applicants' counsel. During the interview, the § 103 rejection of claim 1 was discussed reference was discussed, as well as the various § 112 and § 101 rejections. The undersigned believes this paper is in harmony with the positions expressed during the interview.

**Rejection of Claims under 35 U.S.C. § 112**

Claims 13 and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, Applicants have chosen to overcome this rejection by amendment. Applicants respectfully submit that the amendments to claims 13 and 31 presented herein overcome this rejection. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection to these claims and an indication of the allowability of same.

Claims 24-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, Applicants have chosen to overcome this rejection by amendment. Applicants respectfully submit that the amendments to claims 24 and 31 presented herein overcome this rejection. Accordingly,

Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection to these claims and an indication of the allowability of same.

Claims 15-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for purportedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants express gratitude to the Examiner for pointing out the inconsistency in claim language between claims 14-22 and claim 13 (from which claims 14-22 depend). Applicants have amended claims 14-22 to recite a "computer readable storage medium." Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection to these claims and an indication of the allowability of same.

*Rejection of Claims under 35 U.S.C. § 101*

Claims 1, 23 and 24 are rejected under 35 U.S.C. § 101 because the claimed invention is purportedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, in order to expedite prosecution Applicants have chosen to overcome this rejection by amendment. Applicants respectfully submit that the amendments to claims 1, 23, and 24 presented herein overcome this rejection. Specifically, as was discussed in the above-referenced interview, Applicants have amended these claims to recite that the primary node and both secondary nodes comprise servers. Support for these amendments is found, at least, at ¶¶ 3 and 13 of the Specification. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection to these claims and an indication of the allowability of same.

*Rejection of Claims under 35 U.S.C. § 103(a)*

Claims 1-3, 5, 7, 8, 10-14, 16, 18, 19 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over applicant admitted prior art, pages 1-7 "APA" in view of U.S. Patent No. 5,742,792 issued to Yanai ("Yanai") and further in view of U.S. Patent No. 7,149,858 issued to Kiselev ("Kiselev"). Applicants respectfully traverse this rejection. As an initial matter, as previously noted, Kiselev was removed as a reference under § 103(c) in the Office Action dated December 26, 2007. Also, the Office Action

lists two different sets of claims rejected under § 103. The list on page 2 of the Office Action and the list on page 6 of the Office Action are different. Applicants respectfully submit that the proposed combination of APA and Yanai fails to disclose each element of Applicants' claims.

As discussed in the above mentioned interview, Applicants respectfully submit that the proposed combination fails to disclose, at least, the following feature of claim 1: "the first secondary node transmitting the processed data to the primary node." Claim 1 recites that a primary node transmits modified data to a first secondary node, which processes the data and returns processed data to the primary node." The following section of the APA cited as purportedly disclosing this feature fails to do so: "In response to receiving the read request, secondary nodes AS<sub>Example</sub> or SS<sub>Example</sub> can read and return a copy of requested data from replica RVA<sub>Example</sub> or RVS<sub>Example</sub>." APA, p. 2, ll. 2-4 (cited at Office Action, p. 6). This section discloses that if the primary node is inoperable, the first secondary node can process a request and return data to a client. The client is not a primary node. The primary node of claim 1 comprises a server. The cited section of the APA fails to disclose that the client computer system comprises a server. Thus, the above section fails to disclose a first secondary node receiving data from a primary then returning processed data to the primary. For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claim 1 as well as claims 13 and 23 (which contain substantially similar features) and all claims which depend therefrom, and an indication of the allowability of same.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



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